UNITED STATES PATENT AND TRADEMARK OFFICE

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Frederick W. Gibb, III
McGinn & Gibb, PLLC
Suite 304
2568-A Riva Road
Annapolis, MD 21401

EXAMINER
PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/729,813	SRIVASTAVA, BIPLAV
		Examiner	**Art Unit**	
		Sathyanarayan Pannala	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-22 and 30-41* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-22 and 30-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's Amendment filed on 10/31/2007 has been entered with amended

claims 16-22, 30-41. In this Office Action, claims 16-22 and 30-41 are pending.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

10/31/2007 has been entered.

Drawings

3.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show

every feature of the invention specified in the claims. Therefore, the 16-35 must be

shown or the feature(s) canceled from the claim(s). No new matter should be entered.

There is no relation between drawings and claims.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. § 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 30-41 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. Independent claims 30 and 36 merely claiming

functional descriptive material, i.e., abstract ideas. Even when a claim that recites a computer that solely calculates a mathematical formula or a computer disk that solely stores a mathematical formula is not directed to the type of statutory subject matter eligible for patent protection. The claims are not producing useful, concrete and tangible results. See Diehr, 450 U.S. at 186 and Gottschalk v. Benson, 409 U.S. 63, 71-72 (1972).

6.   Claims 30-41 are rejected under 35 U.S.C. § 101, because claims are directed to program per se. Independent claims 30 and 36 are claiming a computer program per se and functional descriptive material consisting of data structures and computer programs, which impart functionality when employed as a computer component (see table 10, showing the function program). As such, the claims are not limited to statutory subject matter and are therefore non-statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 16-22 and 310-41 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zambo et al. (US Patent 6,985,907) hereinafter Zambo, in view of

McCollum et al. (USPA Pub. 2005/0091640 A1) hereinafter McCollum, and further in

view of Applicant Admitted Prior Art (AAPA).

9.   As per independent claims 16 and 30, Zambo teaches a method of codifying field

claims with the most severe of the applicable condition codes (col. 2, lines 17-19).

Zambo teaches the claimed, an automated method for interpreting codified previsions

(col. 2, lines 19-21). Zambo teaches the claimed, inquiring whether an occurrence of an

event has a correct predetermined code of said codes associated therewith based on

provisions provided in a document (Table 2, col. 6, line 65-67). Zambo teaches the

claimed, providing user with calculated results comprising the identified correct

predetermined code and said provisions provided in said document corresponding to

said correct predetermined code (Fig. 1. Table 1, col. 6, line 56 to col.7 line 14). Zambo

does not explicitly teach rules. However, McCollum teaches the claimed, selecting logic

rules to apply to said occurrence of said event (Fig. 1, page 2, paragraph [0005]).

McCollum teaches the claimed, evaluating said logic rules when one of said triggering

events occur in order to select said correct predetermined code (Fig. 1, page 2,

paragraph [0029]). McCollum teaches the claimed, identifying said correct

predetermined code based on the evaluations of said logic rules, wherein said correct

predetermined code matches said evaluation functions (page 1, paragraph [0003]).

Zambo does not explicitly teach rules. However, McCollum teaches the claimed,

associating triggering events with said codes, wherein said triggering events comprise

violations of said statements of conduct (Fig. 3, page 14, paragraph [0171] and page

17, paragraph [0220]). McCollum also teaches the claimed, associating evaluation

functions with said codes, wherein said evaluation functions comprise a user's interest

in said codes, and evaluating said logic rules when one of said triggering events occur

and evaluating of said logic rules comprising identifying codes matching said evaluation

functions (Fig. 3, page 14, paragraph [0236]). Thus, it would have been obvious to one

of ordinary skill in the data processing art at the time of the invention, to have combined

the teachings of the cited references because McCollum's teachings would have

allowed Zambo's method to execute plurality of rules simultaneously instead of

executing sequentially in order to use computer resources more efficiently (page 1,

paragraph [0003]). Zambo teaches the claimed, mapping codes to logic rules (Fig. 2,

col.4, lines 45-61).

AAPA teaches the claimed, codes comprise statements of conduct comprising at

least one of laws, policy statements, contract provisions, agreements, regulations, rules

of association, constitutions, codes of conduct (page 1, paragraph [0002]). Thus, it

would have been obvious to one of ordinary skill in the data processing art at the time of

the invention, to have combined the teachings of the cited references because AAPA's

teachings would have allowed Zambo's method to improve using codes (page 1,

paragraph [0005]).

10.   As per dependent claims 17 and 31, Zambo teaches the claimed, correct

predetermined code comprises a classification code used for classifying said provisions

provided in said document (Fig. 1, Table 1, col. 4, lines 12-20).

11.   As per dependent claims 18 and 32, Zambo, McCollum and AAPA combined

teach claims 16 and 30. AAPA teaches the claimed, document comprises any of legal

documents, business policy statements, contracts, agreements, regulations, rules,

constitutions, and codes of conduct, (page 1, paragraph [0002]). Thus, it would have

been obvious to one of ordinary skill in the data processing art at the time of the

invention, to have combined the teachings of the cited references because AAPA's

teachings would have allowed Zambo's method to improve using codes (page 1,

paragraph [0005]).

12.   As per dependent claims 19, Zambo teaches the claimed, allowing said user to

make a decision regarding responding to said occurrence of said event based on said

calculated results (Fig. 2, col. 3, lines 62-67).

13.   As per dependent claims 20 and 33, Zambo, McCollum and AAPA combined

teach claims 16 and 30. McCollum teaches the claimed, logic rules comprise any of

fuzzy rules, if-then-else rules, for-loop rules, while-do rules, do-while rules, do-until

iteration rules, if-then rules, when-do rules, predicate logic rules, and declarative rules

(Fig. 3, page 8, paragraph [0093]).

14.   As per dependent claims 21 and 34, Zambo teaches the claimed, provisions

provided in said document comprise computerized text (Fig. 2, col. 4, line 1-3).

15.   As per dependent claims 22 and 35, Zambo, McCollum and AAPA combined

teach claims 16 and 30. McCollum teaches the claimed, restricting specified logic rules

from being evaluated (Fig. 3, page 8, paragraph [0044, 0056 & 0095]).

16.   As per independent claim 36,   As per independent claims 16 and 30, Zambo

teaches a method of codifying field claims with the most severe of the applicable

condition codes (col. 2, lines 17-19). Zambo teaches the claimed, an automated

method for interpreting codified previsions (col. 2, lines 19-21). **Zambo teaches the**

claimed, representing codes as logic rules (Fig. 2, col.4, lines 45-61). Zambo

teaches the claimed, outputting said codes to said user (Fig. 2, col.4, lines 45-61).

Zambo does not explicitly teach rules. However, McCollum teaches the claimed,

associating triggering events with said codes, wherein said triggering events comprise

violations of said statements of conduct (Fig. 3, page 14, paragraph [0171] and page

17, paragraph [0220]). McCollum also teaches the claimed, associating evaluation

functions with said codes, wherein said evaluation functions comprise a user's interest

in said codes; and evaluating said logic rules when one of said triggering events occur

and evaluating of said logic rules comprising identifying codes matching said evaluation

functions (Fig. 3, page 14, paragraph [0236]). Thus, it would have been obvious to one

of ordinary skill in the data processing art at the time of the invention, to have combined

the teachings of the cited references because McCollum's teachings would have

allowed Zambo's method to execute plurality of rules simultaneously instead of

executing sequentially in order to use computer resources more efficiently (page 1,

paragraph [0003]).

AAPA teaches the claimed, codes comprise statements of conduct comprising at

least one of laws, policy statements, contract provisions, agreements, regulations, rules

of association, constitutions, codes of conduct (page 1, paragraph [0002]). Thus, it

would have been obvious to one of ordinary skill in the data processing art at the time of

the invention, to have combined the teachings of the cited references because AAPA's

teachings would have allowed Zambo's method to improve using codes (page 1,

paragraph [0005]).

17.   As per dependent claim 37, Zambo teaches the claimed, codes matching said

evaluation function comprise a classification code used for classifying said user's

interest in said evaluation functions (Fig. 1, Table 1, col. 4, lines 12-20).

18.   As per dependent claim 38, Zambo teaches the claimed, allowing said user to

make a decision regarding responding to said triggering events based on said

evaluating of said logic rules (Fig. 2, col. 3, lines 62-67).

19.   As per dependent claim 39, McCollum teaches the claimed, logic rules comprise

any of fuzzy rules, if- then-else rules, for-loop rules, while-do rules, do-while rules, do-

until iteration rules, if-then rules, when-do rules, predicate logic rules, and declarative

rules (Fig. 3, page 8, paragraph [0093]).

20.   As per dependent claim 40, Zambo teaches the claimed, user's interest in said

evaluation functions comprise computerized text (Fig. 2, col. 4, line 1-3).

21.   As per dependent claim 41, McCollum teaches the claimed, restricting specified

logic rules from being evaluated (Fig. 3, page 8, paragraph [0044, 0056 & 0095]).

Response to Arguments

22.   Applicant's arguments with respect to claims 16-22 and 30-41 have been

considered but they are not persuasive and details as follows:

       a)   Applicants' argument regarding drawings objection stated as "Applicants

respectively disagrees."

       In response to Applicants argument, Examiner respectfully disagrees,

because the current specification (page 3, lines 23-26) for Fig. 1, stated as Fig. 1

"a general system architecture 110 for interpreting codes... inputs a user

perspective 110, ..." If the **element 110 is listed as user perspective** and **how

it can be considered as a general system architecture?**

       b)   Applicants' argument regarding rejection of claims under 35 U.S.C. 101

stated as "Applicants respectfully disagrees."

       In response to Applicants argument, Examiner respectfully disagrees,

because claims 16, 30 and 36 limitation is claiming as "calculated results". There

is no phrase as "calculated results" in the specification. The phrase Applicants

substituting in place of comparing and deciding. This cannot become as

calculating results. **From the Fig. 1, there are no calculated results are**

provided to a user. Therefore, claims 16, 30 and 36 do not produce useful,

concrete and tangible results and belongs to non-statutory subject matter.

Claims have to analyze taking into each and every element in order to determine

as statutory subject matter.

c)   Applicants' argument regarding claims 16, 30 and 36 rejection using the

prior art stated as "the prior art of record does not teach or suggest the claimed

features of 'evaluating said logic rules when one of said triggering event

occurs..." (see Remarks section, page 12, paragraph two)

In response to Applicants argument, Examiner respectfully disagrees,

because McCollum teaches as "The purpose of the RDL 100 is to test assertions,

enforce constraints using runtime information, make inferences, perform

correlation, and communicate results of dynamic test to other component. In

support thereof, the RDL 100 includes a number of statements 102 (also denoted

STATEMENT.sub.1, STATEMENT.sub.2, . . ., STATEMENT.sub.N) that

facilitate structuring one or more rules 104 for concurrent processing." See at

page 2, paragraph [0029]. Therefore the prior art on record do teach each and
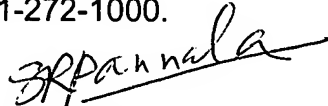
every limitation of all claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sathyanarayan Pannala
Primary Examiner

srp
February 3, 2008